

MAGISTRATE JUDGE

8 UNITED STATES DISTRICT COURT
9 WESTERN DISTRICT OF WASHINGTON
AT TACOMA

10 UNITED STATES OF AMERICA,

11 Plaintiff,

12 v.

13 CONSTANCE HOLT,

14 Defendant.

No. CR17-5160

15 } **AMENDED FINDINGS AND ORDER**
16 } **ACCEPTING DEFENDANT FOR**
17 } **DEFERRED PROSECUTION,**
18 } **APPROVING TREATMENT PLAN,**
19 } **AND DIRECTING DEFENDANT TO**
20 } **TAKE TREATMENT AS**
21 } **PRESCRIBED**

22 THIS MATTER, coming on for hearing this 24th day of July, 2017, upon the
23 defendant's Petition for Deferred Prosecution; the defendant appearing in person and by
24 her attorney, Laurence Tran; the United States of America being represented by
25 Barbara Sievers, Assistant United States Attorney; the Court, having examined and
26 incorporated into the record Petitioner's Petition and Statement in support of deferred
prosecution, the evaluation and treatment report prepared by Providence St. Peters, and
the files and records herein, being fully advised in the premises, does now make and
enter the following:

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1 I. FINDINGS OF FACT

2 A. On or about the 4th day of March, 2017, Petitioner was charged with the
3 offense/offenses charged in the Information. This offense occurred as a direct result of
4 alcoholism/chemical dependency problems;

5 B. Petitioner suffers from an alcohol/drug problem and is in need of
6 treatment;

7 C. The probability of similar misconduct in the future is great if the problem
8 is not treated;

9 D. Petitioner is amenable to treatment;

10 E. An effective rehabilitative treatment plan is available to Petitioner
11 through Providence St. Peters, an approved treatment facility as designated by the laws
12 of the State of Washington, and Petitioner agrees to be liable for all costs of this
13 treatment program;

14 F. That Petitioner agrees to comply with the terms and conditions of the
15 program offered by the treatment facility as set forth in the diagnostic evaluation from
16 Providence St. Peters, attached to Statement of Petitioner filed herewith, and that
17 Petitioner agrees to be liable for all costs of this treatment program;

18 G. That Petitioner has knowingly and voluntarily stipulated to the
19 admissibility and sufficiency of the facts as contained in the written police report
20 attached to Statement of Petitioner filed herewith.

21 H. That Petitioner has acknowledged the admissibility of the stipulated facts
22 in any criminal hearing or trial on the underlying offense or offenses held subsequent to
23 revocation of this Order Granting Deferred Prosecution and that these reports will be
24 used to support a finding of guilt;

1 I. That Petitioner has acknowledged and waived the right to testify, the right
2 to a speedy trial, the right to call witness to testify, the right to present evidence in his
3 or her defense, and the right to a jury trial;

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5 From the foregoing FINDINGS OF FACT, the Court draws the following:

6 II. CONCLUSIONS OF LAW

7 A. That the above-entitled Court has jurisdiction over the subject matter and
8 Petitioner Constance Holt, in this case;

9 B. That Petitioner's Petition for Deferred Prosecution meets the requirements
10 of RCW 10.05 et seq.;

11 C. That the diagnostic evaluation and commitment to treatment meets the
12 requirements of RCW 10.05.150;

13 D. That Petitioner is eligible for deferred prosecution.

14 III. ORDER

15 Having made and entered the foregoing FINDINGS OF FACT and
16 CONCLUSIONS OF LAW, it is hereby

17 ORDERED that the defendant is accepted for deferred prosecution. The
18 prosecution of the above-entitled matter is hereby deferred for five (5) years pursuant to
19 RCW 10.05 et seq., upon the following terms and conditions:

20 A. Petitioner shall be on probation for the deferral period and follow the
21 rules and regulations of probation;

22 B. Petitioner shall enroll in and successfully complete the two-year treatment
23 program recommended by Providence St. Peters according to the terms and conditions
24 of that plan as outlined in the diagnostic evaluation, a true copy of which is attached to
25 the Petition and incorporated herein by reference. Petitioner shall not change treatment
26 agencies without prior Probation approval;

1 C. The treatment facility, Providence St. Peters, shall file with the United
2 States Probation Office status reports of Petitioner's compliance with treatment,
3 monthly during the first year of the deferred prosecution period and every three (3)
4 months during the second year. The Court may increase the frequency of these reports
5 at its discretion;

6 D. Petitioner shall notify U.S. Probation within 72 hours of any residence
7 change.

8 E. Petitioner shall abstain during the deferred prosecution period from any
9 and all consumption of alcoholic beverages and/or non-prescribed mind-altering drugs;

10 F. Petitioner shall not operate a motor vehicle on the public highways
11 without a valid operator's license and proof of liability insurance sufficient to comply
12 with the state laws on financial responsibility;

13 G. Petitioner shall be law abiding and shall not commit any alcohol/drug
14 related offenses or other criminal offenses during the period of deferral,

15 H. Petitioner shall notify U.S. Probation within 72 hours of being arrested,
16 questioned, or cited by Law Enforcement;

17 I. In the event that Petitioner fails or neglects to carry out and fulfill any
18 term or condition of her treatment plan or violates any provision of this Order or any
19 rule or regulation of her probation officer, upon receiving notice, the Court shall hold a
20 hearing to determine why Petitioner should not be removed from deferred prosecution
21 and prosecuted for the offense/offenses charged;

22 J. In the event the Court finds cause to revoke this deferred prosecution, the
23 stipulated police reports shall be admitted into evidence, and Petitioner shall have her
24 guilt or innocence determined by the Court;

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1 K. That the statement of Petitioner for Deferred Prosecution shall remain
2 sealed, and all subsequent reports or documents relating to her treatment information
3 shall be sealed, to maintain confidentiality of Petitioner's treatment information;

4 L. That the Department of Licensing be notified of this Order accepting the
5 Petitioner for deferred prosecution;

6 M. Upon proof of Petitioner's successful completion of five years deferral
7 period in this Order, the Court shall dismiss the charges pending against Petitioner.

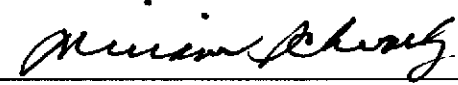
8 N. Additional conditions:

9 Based upon the motion of Petitioner to change treatment agencies [dkt.
10 27], and with the prior approval of United States Probation Officer Don Moon and
11 United States Attorney Barbara Sievers, the Petitioner shall be allowed to change
12 treatment agencies from Providence St. Peters, located in the State of Washington, to
13 Creative Counseling Solutions, located in Savannah, Georgia. The change in treatment
14 agencies is based upon the relocation of spouse's military duty station within the United
15 States Army.

16 DONE this 29th day of October, 2018, *nunc pro tunc* to July 24, 2017.

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18 
19 UNITED STATES MAGISTRATE JUDGE

20 Presented by:

21
22 
23
24 Miriam Schwartz
25 Attorney for Petitioner
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1 I have received a copy of the foregoing Order of Deferred Prosecution. I have
2 read and understand its contents, and agree to abide by the terms and conditions set
3 forth herein.

4 Dated: 10/29/2018 Constance ME Holt
5 Constance Holt
6 Petitioner

7 I certify that a copy of this signed Order was mailed to the subject treatment
8 facility, on 10/30/18, 2018. The United States Probation Office was also
9 furnished a copy of this Order.

10 Teri L. White
11 Clerk